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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,011	01/03/2002	Sang-Woon Chang	678-644 (P9724)	6605

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EXAMINER

KASSA, YOSEF

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,011

Applicant(s)

CHANG, SANG-WOON

Examiner

YOSEF KASSA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/23/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/04/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Final Action
Response to Amendment

1. Applicant's amendment/argument filed on March 23, 2005 has been entered and made of record. Applicant's arguments have been fully considered but they are not deemed to be persuasive for at least the following reasons. Applicant's argues that on page 11 of the remarks, that Massarsky, Chu et al and Parulski et al did not disclose synthesizing a pre-selected background with a user's image in video communication. The Examiner disagrees. See Massarsky col. 1, lines 57-67, which broadly reads on obtaining, i.e., extracting, an image of the user, displaying on the display device a composite image of the background image and the user image, and also refer to col. 2, lines 49-57 a live video image of the user is obtained, and displayed on the display device along with a background image to create a composite image. Applicant argues that Mussorgsky, Chu et al and Parulski et al did not disclose extracting a portion of a user's image form the image. The Examiner disagrees. See Chu et al col. 2, lines 63-66, which broadly reads on video camera transmits (that is, after the user face captured or extracted) the image of the user's face onto a video display, and also see Massarsky col. 1, lines 57-67 which reads on video camera 18 is positioned to capture a portrait image of user, that is, the user image is taken (extract) by a video camera see col. 4, lines 3-8. Therefore, the combination of Massarsky, Chu et al and Parulski et al clearly meet all the claimed invention.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massarsky (U.S. Patent 5,500,700), and in view of Chu et al (U.S. Patent 6,086,380).

With regard to claim 1, Massarsky discloses a visual terminal apparatus for providing a visual communication service (see computer, in Fig. Item 12, comprises visual communication system), comprising:

a camera unit for photographing a user image (see col. 4, lines 3-7 and also see Fig. 1, items user 26 and video camera 18);

an image processing unit, i.e., computer, connected to said camera unit (see Fig. 1, camera 18 is connected to computer 12) extracting user's image outputted from said camera unit (see col. 3, lines 33-34, camera takes image of user) and synthesizing, i.e., composing, the extracted the user's image with a pseudo background (see col. 3, lines 45-47, user image and background image composed); and

a display unit (see Fig. 1, item 38) for displaying the synthesized image outputted from said image processing unit (see col. 4, lines 25-29).

While Massarsky does disclose taking image of user, Massarsky does not explicitly call for extracting a portion of user's image. However, at the same field of

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endeavor, Chu et al teaches capturing user's face, i.e., extracting portion of user's image, (see col. 2, lines 63-67). At the time of invention was made, it would have been obvious to a person an ordinary skill in the art to incorporate the teaching of Chu et al user face capturing system into Massarsky's system. The suggestion/motivation doing so would have been to provide capturing image of user's face for composing it with background image. Therefore, it would have been obvious to combine Chu et al with Massarsky to obtain the invention as specified in claim 1.

With regard to claim 2, Massarsky discloses an image capturing unit for capturing the user and background from the camera unit as an image file (see col. 4, lines 12-16, that is, the background image storage unit and camera unit are connected on the same image processing system for processing image of the user and background image);

an image extracting unit connected to said image capturing unit (see Fig. 1, image selecting keys 42 connected to camera 18) for extracting the user's image outputted from said image capturing unit (see col. 3, lines 41-44);

a memory for storing a plurality of backgrounds (see col. 4, lines 12-15); and

an image synthesizing unit connected to said image extracting unit (see Fig. 1, item 42 image selection is connected to computer 12) and said memory for synthesizing the user's image from said image extracting unit with at least one of the backgrounds from the memory (see col. 4, lines 25-29).

With regard to claim 3, Massarsky discloses wherein image synthesizing unit outputs only the background from said memory if the user's image is not outputted from said image extracting unit (see col. 3, lines 38-43, that is, the background image is

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processed before the user image information).

With regard to claim 4, Massarsky discloses wherein visual terminal apparatus is one selected from a group including a visual telephone, a mobile telephone, a PDA and a computer capable of visual communication (see Fig. 1, item 12, computer unit comprises visual communication).

With regard to claim 5, Massarsky is silent about the portion of the user's image comprises the user's face. However, at the same field of endeavor, Chu et al teaches capturing user's face (see col. 2, lines 63-67). At the time of invention was made, it would have been obvious to a person an ordinary skill in the art to incorporate the teaching of Chu et al user face capturing system into Massarsky's system. The motivation of doing so is to provide capturing image of user's face for composing it with background image.

Claim 8 is similarly analyzed and rejected the same as claim 1, except, the additional limitation of "a synthesized image to the display unit in a panoramic manner"; Massarsky does not expressly disclose this feature. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to display synthesized image in a panoramic manner. Applicant has not disclosed that display synthesized image in a panoramic manner, provide an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either a composite image display process taught by Massarsky or the claimed limitation of display synthesized image in a panoramic manner because both process perform the same function of display

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synthesized or composed image on a display unit. Therefore, it would have been obvious to combine to one of ordinary skill in this art to modify Massarsky with to obtain the invention as specified in claim 8.

Claims 7 and 9 are similarly analyzed and rejected the same as claim 3.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massarsky (U.S. Patent 5,500,700), Chu et al (U.S. Patent 6,086,380), and further in view of Parulski et al (U.S. Patent 6,600,510).

Claim 6 is similarly analyze and rejected the same as claim 1, Except, the additional limitations of "transmitting a pseudo background image in a visual terminal apparatus which comprises a camera unit for photographing a user image to provide a visual telephone service", Massarsky does not discloses this feature. However, at the same field of endeavor, that is, image capture and display process, Parulski et al taught this feature (see col. 2, lines 1-11). At the time of the invention was made, it would have been obvious to an ordinary skill in the art to incorporate the teaching of Parulski et al image transmitting processing and a visual telephone service system into Massarsky's system. The suggestion/motivation for doing so would have been to transmit/receive and display selected images. Therefore, it would have been obvious to combine Chu et al with Massarsky to obtain the invention as specified in claim 6.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communication Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 regular communication and (571) 273-8300 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PATENT EXAMINER

Yosef Kassa



06/19/2005.



**SANJIV SHAH
PRIMARY EXAMINER**